UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF TEXAS

Fort Worth Division

UNITED STATES OF AMERICA)
Plaintiff,)
v.) 4:21-cr-00005-O
THE BOEING COMPANY,)
Defendant.))

GOVERNMENT STATUS REPORT AND PROPOSED SCHEDULING ORDER

Following on its July 7, 2024 status report (ECF No.206 (amended)), the United States of America (the "Government") respectfully submits this further status report and proposed Scheduling Order.

The Government and The Boeing Company ("Boeing") continue to work expeditiously to memorialize their agreement in principle in a written plea agreement. The plea agreement will have several component documents that themselves are extensive, such as a factual statement supporting the Government's breach determination, and the respective terms of Boeing's compliance obligations and the independent compliance monitor. Though the Government remains hopeful the parties can file the plea agreement by July 19, 2024, the parties may need a few more days to finalize it and will file it as soon as it is completed. The Government will file another status report on July 18, 2024, to apprise the Court of the parties' progress.

The Government met and conferred on the briefing schedule with Boeing, the legal representatives of the families of the victims of the Lion Air Flight 610 and Ethiopian Airlines Flight 302 airplane crashes ("families"), and the legal representatives of two of Boeing's airline

customers that purchased the 737 MAX ("airline customers") and that asked to be included in the discussions. In addition to submitting briefs, the families are seeking a hearing on the motions they expect to file with the Court, and for the Court to later set a date for the plea hearing if after the motions hearing the Court decides to accept the plea agreement. The Government and Boeing agree to their request.

Accordingly, the attached proposed Scheduling Order—agreed to by the families (except for those represented by Collins Bargione & Vuckovich¹), the airline customers, and Boeing—respectfully presents the Court with a briefing schedule, as well as seeks from the Court a date certain for a hearing on the motions the families expect to file so that the families who can attend can plan their travel. The representatives of the families are mindful of the many other cases on the Court's docket. They have committed, as the hearing date approaches, to advising the Court of how many family members intend to appear in person and the ways in which the family members are working to avoid duplicative statements and to present their concerns efficiently.

¹ Counsel from Collins Bargione & Vuckovich objects to the Government and Boeing having two weeks to file their respective briefs in response, whereas the families and anyone else who files an opening brief have one week to do so from the date the Government files the plea agreement. It was the families who proposed one week for their opening brief. The reason the Government and Boeing requested the courtesy of an additional week, to which everyone else agreed, is that the families and airline customers have had the benefit of the June 30th conferral session with the Government, and the Government's July 7th notice to them and status report to the Court, explaining the material terms of the plea agreement. They are therefore able to begin (and may have already begun) preparing their briefs before the plea agreement is filed. Further, the Government and Boeing will likely have to respond to multiple opening briefs.

Respectfully submitted,

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cc: Counsel of Record (via ECF)

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